

Agriculture & Consumer Affairs Committee Members

2005 Term

Senator John Bulloch, (11th) **Chairman**
3554 Bulloch Rd.
Ochlocknee, GA 31773

Senator Ralph Hudgens (47th) **Vice-Chairman**
P.O. 534
Comer, GA 30629

Senator Brian Kemp, (46th) **Secretary**
P.O. Box 5187
Athens, GA 30604

Senator Greg Goggans, (7th)
1300 Hampton Road
Douglas, GA 31533

Senator Steve Henson, (41st)
2643 Sterling Acres Drive
Tucker, GA 30084

Senator Chip Pearson, (51st)
P.O. Box 38
Dawsonville, GA 30534

Senator J.B. Powell, (23rd)
228 Church Street
Blythe, GA 30805

Senator Charles W. Walker, (22nd)
1143 Laney Walker Blvd.
Augusta, GA 30901

Agriculture & Consumer Affairs Committee

Rules

2005 Term

1. These Committee Rules of Operation shall be constant with Senate Rule 2-1.5 (d) regarding the establishment of Rules of Operation
2. Quorum of the Committee shall be Five (5) members.
3. The Chairman shall determine which bills and resolutions are to be considered and the order in which said measures are considered.
4. The Chairman shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees in turn shall have the authority to make recommendations on such measures to the full committee at such time as shall be designated by the Chairman.
5. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
6. Any member or members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report in writing, setting forth succinctly the reasons for their dissent.
7. These rules may be amended upon a motion duly made and subsequently approved by a quorum of the Committee in a meeting called by the Chairman.
8. A bill, resolution, or other matter will be considered only after presentation by its principal author or a legislator whom he designates to do so. In the event that more than one member of the General Assembly has signed a measure, the principal author shall be the one whose name appeared first in the list of authors.
9. The Chairman reserves the right to delay action on substitutes and amendments not provided to the Chairman at least 24 hours prior to the hearing.
10. Where these rules are silent on a specific issue, the Rules of the Senate, as adopted, shall govern. (Senate Rule 2)

Agriculture and Consumer Affairs Committee

January 27, 2005

Room 123 Capitol

Members present:	Bulloch (11) Chairman	Goggans (7)
	Hudgens (47) Vice-Chairman	Pearson (51)
	Kemp (46) Secretary	Powell (23)

Senator Bulloch called the meeting to order at 3:35 PM. He welcomed everyone to the meeting and introduced each committee member and had them say a few words about themselves and their district. He then introduced the support staff consisting of Leah Tatum-Dick, his Administrative Assistant and the committee recording secretary, Cam Kirbo, Committee Aide, Summer McWilliams, Committee Intern, Angie Fiese, Senate Research, Jeremy Arie, Senate Information and Wayne Allen, Legislative Counsel. He then went around the room and had all attendees introduce themselves and who they represented.

Senator Bulloch introduced the Committee Rules and opened the floor for discussion. There was none so Senator Hudgens made a motion to adopt the rules, seconded by Senator Kemp. **The rules were unanimously adopted.**

Senator Bulloch opened the floor for any questions. There were none so the meeting adjourned at 3:58 PM.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 2, 2005

Room 125 Capitol

Members present:	Bulloch (11 th) Chairman	Pearson (51 st)
	Hudgens (47 th) Vice-Chairman	Powell (23 rd)
	Kemp (46 th) Secretary	Walker (22 nd)
	Henson (41 st)	

Senator Bulloch called the meeting to order at 3:30 PM and welcomed everyone.

SB 26 (Senator Cagle, 49) relating to treatment of agricultural facilities & operations and forest land as nuisances, define.

Senator Cagle introduced the bill which explains the definition of “agricultural facility” to include any land, building, structure, pond, impoundment, appurtenance, machinery or equipment that is used for the commercial production or processing of poultry and meat by-products. These facilities are resources the state does not want to diminish. Also, this bill seeks to limit the circumstances under which they may be deemed to be a nuisance. Senator Henson requested reasoning behind bill with Senator Hudgens replying that it is protecting those entering an area and Senator Bulloch explaining that the law was weakened last year by the courts thus the desire to strengthen it. Senator Kemp expressed his support for the bill. Senator Bulloch opened the floor to those speaking in opposition to the bill. Mark Woodall, Sierra Club, stated it was his belief that the bill interfered with private property laws in the state. Senator Bulloch responded the bill did not infringe on private property rights; rather it protected the rights of producers. Commissioner Irvin, Georgia Department of Agriculture, responded with his belief that the agriculture facilities preceded the current sub-divisions and should be protected. Senator Kemp stated although he did understand the previously stated concerns, the committee should also protect the economic concerns of businesses in the state. Senator Powell made a motion to **Do Pass**, seconded by Senator Hudgens. The bill passed unanimously.

SB 87 (Senator Bulloch, 11) GA Seed Law; preempt certain local ordinances; exemptions;

Senator Bulloch introduced the bill and explained that it prohibits local entities from adopting or continuing in effect any ordinance, rule, regulation or resolution regulating the labeling, packaging, sale, storage, transportation, distribution, notification of use of seeds. The bill does not prohibit or impair local entities from issuing business licenses or making zoning decisions. Senator Henson asked if a violation caused the drafting of the bill. Senator Bulloch explained that the bill was prompted by problems other states were encountering. Senator Walker stated in his opinion the bill must attempt to keep regulations consistent with recommendations from the GA Seed Association. Commissioner Irvin, GA Department of Agriculture, assured the committee that a good seed program exists to support consumers and producers. Gary Black, GA Agriculture

Business Council, spoke in support of the bill stating that he knows of the problems in other states and appreciates that the bill promotes consistency. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Henson. The bill passed unanimously.

SB 88 (Senator Bulloch, 11) GA Fertilizer Act of 1997; preempt certain local ordinances; exemptions;

Senator Bulloch introduced the bill and explained that it prohibits local entities from adopting or continuing in effect any ordinance, rule, regulation or resolution regulating the labeling, packaging, sale, storage, transportation, distribution, notification of use of fertilizer. The bill does not prohibit or impair local entities from issuing business licenses or making zoning decisions. Neil Herring, Sierra Club, spoke against the bill. He expressed his concern that local governments might want to outlaw fertilizers because of safety concerns. Senator Bulloch replied that fertilizers are legal and necessary to the farming industry. Senator Walker, Senator Bulloch, Senator Hudgens and Senator Kemp discussed the similarity of the bill to the previous one, **SB 87** and agreed the same reasoning applied to both bills. Senator Henson made a motion to **Do Pass**, seconded by Senator Hudgens. The bill passed unanimously.

There being no further business before the committee, the meeting adjourned at 5:06 P.M.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture & Consumer Affairs Committee

February 17, 2005

Room 123 Capitol

Members present: Bulloch (11th) Chairman Henson (41st)
Hudgens (47th) Vice-Chairman Pearson (51st)
Kemp (46th) Secretary Powell (23rd)
Goggans (7th)

Senator Bulloch called the meeting to order at 3:31 P.M. and welcomed everyone.

SB 96 (Senator Henson, 41) Halal Foods; regulate preparation, marketing, sale and serving; punishment for violations;

Senator Henson explained that this bill creates a law against incorrectly preparing or serving Halal food. Senator Kemp clarified that the bill is directed at businesses that are selling or cooking food as Halal to insure that it is done so in accordance with cultural rules. Senator Goggans asked how restaurants that wanted to sell both Halal and non-Halal foods must operate. Senator Henson responded that there must be separate kitchens to prepare both in the same restaurant. Senator Bulloch explained that this would be the same as the kosher law; restaurants that cater to a specific community must meet the requirements. Senator Bulloch recognized Yusuf Faisthalas, religious leader who spoke for the Muslim community in favor of the bill. He explained the bill is necessary so their food is safe for the religious community to consume in accordance with their religious dietary restrictions. Senator Bulloch explained that the bill creates a code so that action will be taken if a complaint is filed against a store or a restaurant. Senator Hudgens asked if the information in advertisements or on billboards is required to be in any specific language other than English. Senator Bulloch replied that English was the only required language. Hudgens made a motion to **Do Pass**, seconded by Senator Kemp. Senators Kemp, Hudgens, Goggans and Henson voted yes; Senators Powell and Pearson voted no. The bill passed by a vote of 4 to 2.

SB 111 (Senator Goggans, 7) Nuisances; companion animal establishment; immunity from civil/criminal action

Senator Goggans introduced a substitute and explained that the Bill is to protect citizens' with kennels on their property from becoming a nuisance when the area surrounding the property changes. It also defines "Companion Animal" and "Companion Animal Establishment." Gail Leberge, GA Canine Association, spoke against the definition of "Companion Animal Establishment." After a brief discussion of the definition with Senator Goggans and Senator Bulloch she withdrew her opposition. Senator Henson made a motion to **Do Pass by Substitute**, seconded by Senator Hudgens. The bill passed unanimously.

SB 13 (Senator Rogers, 21) relating to unfair/deceptive practices in consumer transactions, Gift Card Integrity;

Senator Rogers introduced a substitute and explained that this bill offers more consumer protection for gift cards by requiring an expiration date or non-usage fee must be clearly printed on the card itself or on a sticker on the card. Senator Henson asked if gift cards could be redeemed for money. Senator Rogers responded that this was not the intent of this bill and that that would remain the decision of the retailer. Senator Hudgens asked if non-usage fees could use all the funds to “run out” the card.

Senator Rogers responded yes but it would clearly be noted on the card that non-usage fees would apply. Senator Kemp clarified that this bill will only apply to cards issued after January 1, 2006. Senator Rogers explained that the purpose of the substitute was to clean up banking language and that it only applies to gift cards, not phone cards. Senator Rogers presented John Bozeman, Georgia Link, who assured the committee that this will not change the non-usage fees but will only require notification of the consumer. Senator Kemp made a motion to **Do Pass by Substitute**, seconded by Senator Goggans. The bill passed unanimously

There being no further business before the committee, the meeting was adjourned at 3:59 PM.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 24, 2005

Room 125 Capitol

Members present: Bulloch (11th) Chairman Henson (41st)
Hudgens (47th) Vice-Chairman Pearson (51st)
Kemp (46th) Secretary Powell (23rd)
Goggans (7th)

NOTE: Senator Walker excused for Funeral

Senator Bulloch called the meeting to order at 4:30 PM and welcomed everyone.

SB 230 (Senator Hamrick, 30) Consumer Reporting Agencies; notice of security breaches;

Senator Hamrick explained this bill requires any investigative consumer reporting agency that own or licenses files that include personal information such as a Social Security Number or account numbers, to disclose any breach of the security system to any resident of the state of Georgia whose file is acquired by an unauthorized person. This legislation was caused by the recent theft of electronic information from the Alpharetta based company, ChoicePoint, Inc. Senator Henson and Senator Hamrick discussed the definition of an investigative consumer reporting agency (which collects information for money but is not a government agency) and that they are different from banks which do not sell information. Members of the committee discussed time frames for reasonably acquired information, that consumers need to be quickly notified in order to take necessary steps to prevent further use of their information and the possibility that notification of the consumer of their lost information could hinder an ongoing investigation. Senator Kemp asked how the law was devised. Senator Hamrick answered that it is based on a California law that has been successfully tested. Senator Henson asked how the bill will affect companies from out of the state who have Georgia customers. Senator Hamrick answered that the law will apply to all companies who have Georgia based customers. Senator Hudgens asked if an e-mail address is considered personal information and if a card number alone can be given out. Senator Hamrick responded that e-mail addresses were not considered when the bill was written and that a card number alone can be given out as it is not considered personal information on its own. Wayne Allen, Legislative Council, suggested some technical corrections. Jill Johnson, GA Public Interest Research Group, spoke in favor of the bill. Senator Kemp made a motion to **Do Pass By Substitute**, seconded by Senator Hudgens. The bill passed unanimously.

There being no further business before the committee, the meeting adjourned at 4:55 P.M.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

March 3, 2005

Room 123 Capitol

Members present: Bulloch (11 th) Chairman	Henson (41 st)
Hudgens (47 th) Vice-Chairman	Pearson(51 st)
Kemp (46 th) Secretary	Powell (23 rd)
Goggans (7 th)	Walker (22 nd)

Senator Bulloch called the meeting to order at 5:00 PM. He welcomed everyone to the meeting and stated there would be an agenda change. He pulled [SB 289](#). He assigned [SB 228](#) & [SB 229](#) to a study committee composed of Senator Pearson, Senator Powell and Senator Goggans. He assigned Senator Pearson as the Chairman.

[SB 290](#) (Bulloch, 11) Leaf Tobacco; grading by Agriculture Marketing Services;

Senator Bulloch explained that this bill is repealing an obsolete code section. Under current law, all tobacco purchased or sold in Georgia must be graded by the Agriculture Marketing Service of the United States Department of Agriculture. If the Department of Agriculture certifies in writing to the Georgia Commissioner of Agriculture that graders are not available then grading must be done by graders approved by the Commissioner of Agriculture. This law includes an assessment of \$00.91 cents per 100 pounds, charged to growers, to pay for State grading service. Today's tobacco is grown under contract between farmers and processors and is graded by the contractor as well as the USDA or the GDA. Since there is no longer a Federal Tobacco Program, there is no need for this code section. This bill will remove the assessment on the farmers and will no longer require the Georgia Commissioner of Agriculture to provide graders. There were no questions and no discussion. Senator Kemp made a motion to **Do Pass**, seconded by Senator Hudgens. The bill passed unanimously.

There being no further business before the committee, the meeting adjourned at 5:06 P.M.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

March 16, 2005

Room 125 Capitol

Members present: Bulloch (11th) Chairman Pearson (51st)
Hudgens (47th) Vice-Chairman Powell (23rd)
Kemp (46th) Secretary

Senator Bulloch called the meeting to order at 9:15 A.M. and welcomed everyone.
(Quorum not present)

HB 201 (Representative McCall, 30) Veterinarians; boarders of animals; liens for treatment;

Representative McCall explained this bill allows veterinarians and boarders of animals to place liens on owners for non-payment of bills. It also allows them to retain custody of the animal until payment is made. There was some discussion of additional billing for boarding charges while the animal remains in custody. There being no quorum, no motion was made.

HB 196 (Smith, 113) Common-Sense Consumption Act; amend provisions;

Representative Smith explained that this bill is an attempt to avoid frivolous obesity lawsuits as it limits personal injury claim against food manufacturers, sellers and carriers for claims for weight gain, obesity or other health condition resulting from long-term consumption of food. There being no quorum, no motion was made.

HB 452 (Maddox, 172) Dog and Cat Sterilization fund; contributions; state income tax returns;

Representative Maddox explained this is an attempt to decrease the number of animals undergoing euthanasia by creating the option for Georgia taxpayers to donate to the Georgia Department of Agriculture's Dog and Cat Sterilization Fund by placing an optional box (to check) on the Georgia income tax return form. Dr. Lee Myers, State Veterinarian, spoke in favor of the bill. Senator Powell arrived at 9:27 A.M and quorum established.

Senator Kemp made a motion to **Do Pass [HB 201](#)**, seconded by Senator Hudgens. The bill passed unanimously.

Senator Kemp made a motion to **Do Pass [HB 196](#)**, seconded by Senator Hudgens. The bill passed unanimously.

Senator Kemp made a motion to **Do Pass [HB 452](#)**, Seconded by Senator Hudgens. The bill passed unanimously.

There being no further business before the committee, the meeting adjourned at 9:30 A.M.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

October 26, 2005

Honorable Frank Eldridge
Secretary of State Senate
353 State Capitol
Atlanta, Georgia 30334

Dear Mr. Eldridge:

Enclosed is the Minutes Book for the Senate Agriculture & Consumer Affairs Committee for the 2005 Session.

Also, enclosed are the following bills upon which no action was taken during the 2005 session of the General Assembly:

[SB 228](#)
[SB 229](#)

[SB 289](#)
[SB 329](#)

Sincerely,

/s/ Leah Tatum-Dick
Recording Secretary
Agriculture & Consumer Affairs Committee